

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P802850/WO/1	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2004/001731	International filing date (day/month/year) 21.02.2004	Priority date (day/month/year) 12.04.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant DAIMLERCHRYSLER AG		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising:	
a.	<input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.	
b.	<input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items:	
	<input checked="" type="checkbox"/> Box No. I	Basis of the report
	<input type="checkbox"/> Box No. II	Priority
	<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
	<input type="checkbox"/> Box No. IV	Lack of unity of invention
	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<input type="checkbox"/> Box No. VI	Certain documents cited
	<input type="checkbox"/> Box No. VII	Certain defects in the international application
	<input type="checkbox"/> Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/001731

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-10 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-9 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/2-2/2 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/001731

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	5-8	YES
	Claims	1-4, 9	NO
Inventive step (IS)	Claims	5-8	YES
	Claims	1-4, 9	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Reference is made to the following documents:			
D1: FR-A-2 750 103 (BOSCH SYST FREINAGE) 26 December 1997 (1997-12-26)			
D2: GB-A-2 230 493 (ROVER GROUP; AUSTIN ROVER GROUP (GB)) 24 October 1990 (1990-10-24)			
D3: DE 198 39 521 C (DAIMLER CHRYSLER AG) 9 March 2000 (2000-03-09)			
D4: PATENT ABSTRACTS OF JAPAN Vol. 1999, No. 03, 31 March 1999 (1999-03-31) & JP 10 338167 A (NISSAN MOTOR CO LTD), 22 December 1998 (1998-12-22)			
The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1-4 and 9 lacks novelty (PCT Article 33(2)).			
Document D1 discloses (see figures 1-3) the claimed safety device (33), more particularly the means for pivoting the brake device (33), the securing section (31) and the sliding section (33) with a sliding plane (331).			

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

(Moreover, claim 1 is worded so broadly that each of documents D1-D4 falls under the scope of protection thereof. Nevertheless, the drawings from D1 are closest to the claimed subject matter.)

Dependent claims 2-4 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step; see the relevant passages of documents D1-D4 that are cited in the search report.

The combination of features contained in dependent claim 5 is neither disclosed nor suggested by the available prior art. The reasons are as follows:

Claim 5 differs from the closest prior art in D1 in that the sliding section has four surfaces which form a follow chamber, one of the surfaces forming the sliding plane.

The subject matter of claim 5 is thus novel.

The problem of interest is that of improving the known device such that the safety device weighs less yet is of adequate strength.

None of the prior art documents suggests a solution such as that claimed.

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The subject matter of claim 5 is thus inventive.

Dependent claims 6-8 are dependent on claim 5 and are therefore likewise novel and inventive.